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OFFICE OF PETITIONS

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|---------------------------------|---|---------------------------|
| In re Application of | : | |
| Julio J. Hernandez et al. | : | |
| Application No. 10/810,910 | : | DECISION ON PETITION |
| Filed: March 26, 2004 | : | UNDER 37 C.F.R. §1.137(f) |
| Attorney Docket No. 60021- | : | |
| 379701 | : | |
| Title: ENHANCING INSIGHT-DRIVEN | : | |
| CUSTOMER INTERACTIONS WITH A | : | |
| WORKBENCH | : | |

This is a decision on the petition filed on August 21, 2006, pursuant to 37 C.F.R. §1.137(b), which is properly treated as a petition pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

A grantable petition pursuant to 37 CFR 1.137(f) must be accompanied by:

- (1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication¹;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
- (3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

¹ See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at <http://www.uspto.gov/web/forms/index.html>.

Petitioner's representative has filed this petition under the wrong section of the C.F.R. He has submitted both the petition fee and a rescission of the previously made nonpublication request. As such, the second requirement of 37 C.F.R. §1.137(f) has been met.

Regarding the first requirement, Petitioner has failed to provide notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication. It is not clear on what date the application was filed in a foreign country or under a multinational treaty.

Regarding the third requirement, the proper statement of unintentional delay has not been made.

Accordingly, the petition under 37 C.F.R. §1.137(f) must be **DISMISSED**.

Any response must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The submission should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(f)."

On renewed petition, Petitioner's representative may wish to consider submitting form PTO/SB/64a, which may be downloaded at <http://www.uspto.gov/web/forms/sb0064a.pdf>.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail², hand-delivery³, or facsimile⁴.

Petitioner's representative is reminded that if an applicant makes a nonpublication request and then rescinds the nonpublication request before or on the date a counterpart application is filed in an eighteen-month publication country, the application will be treated as if the nonpublication request were never made, and any petition fee would be refunded.

If responding by mail, Petitioner's representative is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included -

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

4 (571) 273-8300- please note this is a central facsimile number.

adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225⁵. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

⁵ Petitioner's representative will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner's representative is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner's representative.